

Application Serial No. 10/567,618  
Amendment dated April 17, 2009  
Response to Office Action dated January 22, 2009

**Amendment to the Drawings:**

The attached sheet of drawings include a replacement sheet containing Figure 3. The replacement sheet depicting Figure 3 shall replace the originally submitted sheet illustrating Figure 3. An annotated sheet is also provided showing the changes made to originally provided Figure 3.

Attachments: Replacement Sheet

Annotated Sheet

### **REMARKS**

As may be appreciated from the listing of claims provided above, the claims have been amended herein. Authorization is provided herewith to pay any underpayment of fees or credit any overpayment of fees to Deposit Account No. 02-4800.

#### **I. RESPONSE TO OBJECTIONS TO THE CLAIMS**

Applicants thank the Examiner for identifying various informalities within the claims that needed to be addressed. The claims have been amended herein to address the informalities noted by the Examiner in the Office Action dated January 22, 2009 (hereafter "the Office Action"). For instance, claims 23 and 25 were amended to depend from claim 14 to ensure the second hood term has antecedent basis in these claims. As another example, claims 13, 15, 16, 17 and 18 were amended to resolve the antecedent basis issues identified on pages 2-3 of the Office Action.

Applicants note that the Examiner also objected to claim 24 as lacking antecedent basis for the term "second hood." (Office Action, at 3). However, claim 24 depends from claim 17, which depends from claim 16, which depends from claim 14. Therefore, claim 24 indirectly depends from claim 14 and, as a result, "the second hood" term has an antecedent basis in claim 24.

#### **II. AMENDMENT TO THE DRAWINGS**

The Examiner issued an objection to the drawings for use of a reference character 34 that was not mentioned in the specification. (Office Action, at 2). Applicants have provided a replacement sheet that eliminates the unused reference character "34" and have also provided an annotated sheet showing the change to Figure 3 made in the replacement sheet.

The amendment to the drawings resolves the grounds for the Examiner's objection.  
Therefore, Applicants respectfully request that the Examiner accept the amended drawings.

### **III. RESPONSE TO REJECTIONS OF THE PENDING CLAIMS**

The Examiner rejected claims 13-20, 26-27 and 29 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,078,661 to Arnett et al. (Office Action, at 3).

The Examiner rejected claims 21-25 under 35 U.S.C. § 103 as being rendered obvious by Arnett et al. in view of U.S. Patent Application Publication No. 2002/0050771 to Krispin et al. (Office Action at 7).

#### **A. Burden of Proving Anticipation Under 35 U.S.C. § 102**

"In order to demonstrate anticipation, the proponent must show that the four corners of a single, prior art document describe every element of the claimed invention." *Net Moneyin, Inc v. Verisign, Inc* , 545 F.3d 1359, 88 U.S.P.Q.2d 1751, 1758, 2008 WL 4614511, \*8 (Fed. Cir. 2008). The prior art reference relied upon to show anticipation "must not only disclose all elements of the claim within the four corners of the document, but also disclose those elements arranged as in the claim." *Id.* "As arranged in the claim means that a reference that discloses all of the claimed ingredients, but not in the order claimed, would not anticipate because the reference would be missing any disclosure of the limitations of the claimed invention arranged as in the claim." *Id.* "The test is thus more accurately understood to mean arranged or combined in the same way as in the claim." *Id.*

#### **B. Burden Of Proving Obviousness Under 35 U.S.C. § 103**

"All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.03 (emphasis added). "When evaluating claims for

obviousness under 35 U.S.C. 103, **all the limitations of the claims must be considered and given weight.**" MPEP 2143.03. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *Id* "A 35 U.S.C. 103 rejection is based on 35 U.S.C. 102(a), 102(b), 102(e), etc. depending on the type of prior art reference used and its publication or issue date." MPEP § 2141.01.

To establish a *prima facie* case of obviousness an Examiner must show that an invention would have been obvious to a person of ordinary skill in the art at the time of the invention. MPEP § 2141. "Obviousness is a question of law based on underlying factual inquiries." *Id* The factual inquiries enunciated by the Court include "ascertaining the differences between the claimed invention and the prior art" and "resolving the level of ordinary skill in the pertinent art." MPEP § 2141.

"A statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art' at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. MPEP § 2143.01. "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, **there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.**" MPEP § 2143.01 (citing *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396) (emphasis added).

Moreover, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the

references are not sufficient to render the claims prima facie obvious." MPEP § 2143.01. Also, "the proposed modification cannot render the prior art unsatisfactory for its intended purpose." MPEP § 2143.01.

**C. Claims 13-32 Are Allowable Over The Cited Art**

The pending claims have been amended as may be appreciated from the listing of the claims. For instance, all the pending claims require a cover portion to releasably attach to a base housing part, a cover portion that clamps a printed circuit board when attached to the base housing part, and a cover portion that has one or more clip connection mechanisms sized and configured to releasably retain at least one attachment mechanism of a first hood.

The Examiner rejected claims 13-20, 26-27 and 29 as being anticipated by Arnett et al. However, numerous limitations in the pending claims are not present in the housing disclosed by Arnett et al. The Examiner contends that Arnett et al. discloses a hood 12, a cover portion 14, and a base housing part (inside surface of hood 12). (Office Action, at 5). However, Arnett et al. do not disclose a cover portion configured to releasably attach to a base housing part, the clamping of a printed circuit board by a cover portion, or a cover portion that has one or more clip connection mechanisms as required by the pending claims.

**1. Arnett et al. Do Not Teach A Cover Portion  
Configured To Releasably Attach To A Base Housing Part**

The pending claims require the cover portion to be configured to releasably attach to the base housing part and clamp at least a portion of the printed circuit board against the base housing part when the cover portion is attached to the base housing part. The cover portion 14 disclosed by Arnett et al. as identified by the Examiner, is not attached to the base housing. Indeed, the cover portion 14 is never actually attached to the inside surface of 12. As may be

appreciated from Figure 1 of Arnett et al., the Examiner's construed cover portion 14 rests on top of the Examiner's alleged first hood 12.

**2. Arnett et al. Do Not Teach Clamping Of A Printed Circuit Board By A Cover Portion**

The pending claims also require the cover portion to clamp at least a portion of a printed circuit board when the cover portion is attached to the base housing part. There is no clamping of any printed circuit board by a cover portion taught or suggested by Arnett et al. Arnett et al. teach that circuit board 22 is "secured into the base 12." (Col. 4, line 49). The "cover 14 is attached to the base 12 by hinges 16." (Col. 4, lines 34-35). There is no clamping of the circuit board 22 by the cover portion 14. To the contrary, cover 14 is configured to move away from base 12 to permit access to the printed circuit board. Clearly, Arnett et al. provide no teaching or suggestion of a cover portion claiming a printed circuit board as required by the pending claims.

**3. Arnett et al. Do Not Disclose A Cover Portion That Has Any Clip Connection Mechanism**

Arnett et al. only disclose a cover portion 14 that has a hinge connecting the cover portion 14 to a base plate 12. There is no clip connection mechanism as required in the pending claims, which is sized and configured to "retain the at least one attachment mechanism of the first hood" and permit the first hood to be "only releasable from the cover portion after the at least one attachment mechanism and at least one clip connection mechanism are interlocked by use of a tool." To the contrary, the cover portion 14 of Arnett et al. include a hinge that permits movement of the cover portion relative to the base 12 without the use of a tool.

Further, the hinge of the cover portion 14 is not configured to release one or more attachment mechanisms of the base 12. Indeed, there is no attachment mechanism of the base 12 that is taught or suggested by Arnett et al.

For at least the above reasons, it is clear Arnett et al. do not teach or suggest each and every limitation of the claims. Therefore, Arnett et al. cannot anticipate any of the pending claims.

#### **4. The Claims Are Not Rendered Obvious In View Of The Cited Art**

The invention described in the present application has been found to contain allowable subject matter in other countries. For example, European Patent No. EP1652389 is related to the present application and was granted to Applicants. For the Examiner's reference, a copy of EP1652389 is provided herewith along with an English translation of the claims granted in EP1652389.

As acknowledged by the European Patent Office, the invention is patentable over the prior art. For example, the art cited by the Examiner fails to teach various limitations found within the claims. Neither Arnett et al. nor Krispin et al. teach or suggest any cover portion that has a clip connection mechanism configured to releasably retain an attachment mechanism of a first hood as required by the pending claims.

As another example, the combination of cited art does not teach or suggest a cover portion that is configured to clamp at least a portion of a printed circuit board when attached to a base housing plate. Indeed, there is no teaching or suggestion of such a feature within the cited combination of art.

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#### **IV. CONCLUSION**

For at least the above reasons, reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,

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